

1
IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA RECEIVED
NORTHERN DIVISION

2006 MAR -9 A 10: 06

LARRYIE EARL JONES, .
PETITIONER, .

VS. . CIVIL ACTION No:
ANTHONY CLARK, . 2:05-CV-701-F
RESPONDENT'S. .

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WITH PERMISSION OF THE COURT MOTION TO
SUBMIT NEWLY DISCOVERED EVIDENCE

COMES NOW THE PETITIONER LARRYIE EARL JONES, PRO, SE,
MOVES THIS HONORABLE COURT TO SUBMIT NEWLY DIS-
COVERED EVIDENCE, AND AS THEREFORE STATES THE FOLLOWING
GROUNDS;

1. ON OR ABOUT ³⁻⁰⁶ THE PETITIONER WERE SENT TO KILBY CORRECTION-
AL FACILITY WITHOUT BEING ADJUDGED GUILTY OF ANY CRIME,
THE NEWLY DISCOVERED EVIDENCE IS BEAR ON CONSTITUTION
ALTY OF PETITIONER DETENTION, BECAUSE THE TRIAL JUDGE HAS
DISQUALIFY HIMSELF. BECAUSE OF JUDICIAL ETHICS CANON ⁽³⁾(C)(1),
AND ~~BE~~ WRONGDOING.
2. ON OR ABOUT THE 2-14-06 THE NEW ASSIGNED TRIAL JUDGE
ORDER THE PETITIONER TO RETURN TO THE CUSTODY OF THE
COVINGTON COUNTY JAIL FOR COURT ON 2-15-06. SEE
EXHIBIT(A).
3. THE NEWLY DISCOVERED EVIDENCE MUST BEAR ON,

2

CONSTITUTIONALTY OF PETITIONER DETENTION, BECAUSE A HEARING WAS HELD ON THE 2-15-06, THE REASON FOR THE HEARING WAS TO REINSTATE CASE CC-2004-347, WHICH THE MOTION WAS FILE ~~BY~~ ^{D.A.} THE STATE, IT WAS GRANTED. (COUNSEL CAUSE MORE DELAY)

4. NEWLY DISCOVERED EVIDENCE MUST ~~BEAR~~ ^{ON} CONSTITUTIONALTY OF PETITIONER DETENTION, BECAUSE INEFFECTIVE ASSISTANCE OF COUNSEL AT THE HEARING 2-15-06, PETITIONER REQUESTS HIS COUNSEL TO FILE A MOTION FOR BAIL, COUNSEL SAID THAT HE COULD NOT HAVE A BOND AND YOU SHOULD HAVE KEPT THE PLEA OF GUILTY YOU ARE NOT GETTING OUT OF JAIL. PETITIONER AND HIS COUNSEL WENT BEFORE THE TRIAL JUDGE, COUNSEL MOTION FOR CONSOLIDATED OF ALL CASES TO BE TRY SEPARATE, WITHOUT CONSENT OF PETITIONER THAT MOTION WAS GRANTED BY THE NEW ASSIGNED JUDGE. COUNSEL TOLD PETITIONER THE FIRST TRIAL IS SET FOR MAR, 2006, AND THE NEXT ONE JUNE 2006, AND THE NEXT ONE IN AUG 2006, AND THE NEXT MAYBE IN SEPT 2006, HE SAID PETITIONER WILL HAVE TO SET IN JAIL UNTIL SEPT 2006. PETITIONER REQUEST HIS COUNSEL TO SEND COPIES OF THE DOCUMENTS OF THE HEARING WAS HELD 2-15-06, HE HAS NOT YET SENT THEM, IT IS NECESSARY FOR EVIDENTIARY HEARING UPON GOOD CAUSE SHOWN BY PETITIONER, BECAUSE OF THE NEWLY DISCOVERED EVIDENCE MUST BEAR ON CONSTITUTIONALTY ON PETITIONER DETENTION, HELD WITHOUT BAIL, STATE ENGAGES IN DISCRIMINATORY AND ARBITRARY ADMINISTRATION OF BAIL SYSTEM. RESPECTFULLY SUBMITTED THIS THE 6 DAY OF MAR 2006.

Savio Earl Jones
SIGNATURE OF PETITIONER

3

WHEREFORE PETITIONER HAS SERVED A LONG LENGTH OF CONFINEMENT AT COVINGTON COUNTY JAIL SINCE JULY 14 2004, BECAUSE OF LONG LENGTH OF CONFINEMENT, SEE EXHIBIT (B), PETITIONER WAS TESTED AT KILBY CORRECTIONAL FACILITY, PETITIONER FEAR FOR HIS LIFE BECAUSE HE IS NOT GETTING HIS MEDICATION EVERY DAY, HE NEED TO BE AT HOME HE HAS GOT (7) OF SIGNS SYMATOMS, HE HAS BEEN DENIED MEDICATION AND TREATMENT. PETITIONER HAS SHOW OF EXCEPTIONAL CIRCUMSTANCES, AND A DEMONSTRATION OF A CLEAR CASE ON THE MERITS OF THE HABEAS PETITION, AND HEALTH EMERGENCY EXISTED HE HAS HIGH BLOOD PRESSURE IT UNDERBLE CONTROLLBLE IT STAYS HIGH 180/115 AND HE FEAR FOR HIS LIFE, PETITIONER PRAYS FOR PREEDENTS IN THIS SITUATION THAT THIS COURT ISSUANCE OF AN ALTERNATIVE FORM OF ORDER BY THIS COURT WHEREBY THE STATE IS GIVEN VARIOUS ALTERNATIVES WHICH INCLUDE RELEASE OF THE PETITIONER AS ONE ALTERNATIVES, WHICH PROVIDE FOR RELEASE OF THE PETITIONER IF NONE OF ALTERNATIVES IS MET, OR ENLARGE PETITIONER ON BOND, PENDING DECISION ON HABEAS CORPUS PETITION, BECAUSE PETITIONER WILL JUST SET IN JAIL, HAS HE SET IN JAIL ENOUGH? HE NO LONGER ENJOYS THE PRESUMPTION OF INNOCENCE, HE NEED AN OPPORTUNITY TO BE RELEASED SO HE COULD GET HIM A COUNSEL.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. 3-6-06
DATE

Sayre Earl Jones
SIGNATURE OF PETITIONER

I CERTIFY THAT A TRUE COPY OF THE FOREGOING MOTION HAS BEEN SERVED UPON ATTORNEY GENERAL BY MAILING FIRST CLASS MAIL UNITED STATES PERSONAL SERVICE ON THE 6 DAY OF MAR, 2006
Sayre Earl Jones